



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/604,608

08/04/2003

Scott H. Mills

1033-T00505

1607

60533

7590

01/05/2009

TOLER LAW GROUP
8500 BLUFFSTONE COVE
SUITE A201
AUSTIN, TX 78759

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT

PAPER NUMBER

2178

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,608	Applicant(s) MILLS ET AL.	
	Examiner JOSHUA D. CAMPBELL	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8,10,12,13,16-20,22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,6,8,10,12,13,16-20,22 and 24-26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Request for continued examination filed 10/29/2008.

2. Claims 1, 2, 4, 6, 8, 10, 12, 13, 16-20, 22, and 24-26 are pending in this case. Claims 1, 10, and 12 are independent claims. Claims 1, 10, 12, and 19 have been amended.

3. The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999) in view of Advanced Excel Find (hereinafter AEF, as taught by the AEF documents published on October 18, 2002 and June 2, 2003), further in view of Anson (US Patent Application Publication Number 2003/0061193, filed September 24, 2001) has been withdrawn due to amendments.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The phrase "computer-readable storage medium," is not found to have proper antecedent basis in the specification, however it is necessary to

use this terminology in order to properly define the claim within the boundaries of statutory subject matter, because the phrase "computer-readable storage medium," appears to only reasonably convey hardware storage and forms of portable, physical article media to one of ordinary skill in the art. In order to overcome the objection, an amendment to the specification is necessary constituting a non-exhaustive statement of what the phrase "computer-readable storage medium" would be as it would have been known to one of ordinary skill in the art at the time of the invention as found in the specification, in order to verify that the term "computer-readable storage medium," could not be taken in the context of non-statutory subject matter.

5. The amendment filed 10/14/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“...magnetic storage media such as a magnetic disk, optical storage media such as an optical disk.” The only computer-readable medium supported in the specification is a memory defined as a RAM or ROM.

Applicant is required to cancel the new matter in the reply to this Office Action. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1, 2, 4, 6, 8, 10, 12, 13, 16-18, 20, 22, and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, "Microsoft Office XP Inside Out," published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999), further in view of Advanced Excel Find (hereinafter AEF, as taught by the AEF documents published on October 18, 2002 and June 2, 2003).

Regarding independent claim 1, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the custom label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the custom stored function is used as a predefined search to identify portions of data. It would have been obvious to one of

ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Neither Halvorson nor Michelman disclose having a graphic control panel that allows the selection of subsets or portions of the spreadsheets for searching. However, AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching subsets/portions (which by definition includes all selectable Excel entities – cells, rows, columns, etc.) of any and all workbooks and worksheets ("Search in selection" and "Find in selection" on page 1 of AEF, published October 18, 2002). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson and Michelman with the teachings of AEF because it would have made the process of searching in Excel more effective and comfortable.

Regarding dependent claims 2, 4, and 6, Halvorson discloses the ability to make a selection of a workbook, a worksheet (by filename), and any portion of a worksheet including cells, rows, columns, etc. to be used in the creation of the final report spreadsheet (pages 689-693 of Halvorson).

Regarding dependent claim 8, Halvorson discloses that additional data not found in the selected spreadsheets may also be obtained and appended via statistical functions to the final report spreadsheet (pages 694, first paragraph under "Consolidating..." of Halvorson).

Regarding independent claim 10, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are searched for and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson discloses that the resulting spreadsheet contains data identifying sources of the portions of data which includes both workbook and spreadsheet names (pages 693-697 see “Linking...” and “Consolidating...” of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Neither Halvorson nor Michelman disclose having a graphic control panel that allows the selection of all workbooks for searching purposes or having a graphic control panel that allows the selection of subsets or portions of the spreadsheets for searching.

However, AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching any and all workbooks and worksheets (page 1 of AEF, published June 2, 2003). AEF also teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching subsets/portions (which by definition includes all selectable Excel entities – cells, rows, columns, etc.) of any and all workbooks and worksheets ("Search in selection" and "Find in selection" on page 1 of AEF, published October 18, 2002). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson and Michelman with the teachings of AEF because it would have made the process of searching in Excel more effective and comfortable.

Regarding independent claim 12, Halvorson discloses receiving a selection of multiple spreadsheets and multiple portions of those spreadsheets via a graphical control panel (pages 689-693 of Halvorson). Halvorson discloses that the data portions are identified in predetermined functions and retrieved and appended to the generated final report spreadsheet, including appending information identifying the sources of the data portions (pages 694-697 of Halvorson). Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson discloses that the resulting spreadsheet contains data identifying sources of the portions of data which includes both workbook and spreadsheet names (pages 693-697 see "Linking..." and "Consolidating..." of Halvorson). Halvorson does not explicitly disclose that searching

the spreadsheet for elements fulfills the functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Neither Halvorson nor Michelman disclose having a graphic control panel that allows the selection of all workbooks for searching purposes or having a graphic control panel that allows the selection of subsets or portions of the spreadsheets for searching. However, AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching any and all workbooks and worksheets (page 1 of AEF, published June 2, 2003). AEF also teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching subsets/portions (which by definition includes all selectable Excel entities – cells, rows, columns, etc.) of any and all workbooks and worksheets ("Search in selection" and "Find in selection" on page 1 of AEF, published October 18, 2002). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson and Michelman with the teachings of AEF because it would have made the process of searching in Excel more effective and comfortable.

Regarding dependent claims 13, 16, and 17, Halvorson discloses the ability to open a workbook, all workbooks open, and one or more worksheets and then select data from within the opened files (pages 689-693 of Halvorson).

Regarding dependent claim 18, Halvorson discloses the use of a status indicator in the graphical control panel (page 605, Figure 21-1).

Regarding dependent claim 20, Halvorson discloses at least one window is used to receive selection of spreadsheets and the portions within those spreadsheets (pages 694-697 of Halvorson).

Regarding dependent claim 22, Halvorson discloses that receiving a selection of portions of data comprising setting functions (predefined) for desired text in the spreadsheet (pages 694-697 of Halvorson). Halvorson does not explicitly disclose that searching the spreadsheet for elements fulfills the predetermined functions. However, Michelman discloses that spreadsheet are searched in order to generate a list of labels within the spreadsheet that match the label references identified in the formula (column 1, line 56-column 3, line 25 of Michelman), thus the predefined function is used as a predefined search to identify portions of data. It would have been obvious to one of ordinary skill in the art to have combined the teachings of Halvorson with the teachings of Michelman because it would have allowed the spreadsheet program to automatically select the portions of the spreadsheet that reference the elements the user would like to be included in functions.

Regarding dependent claims 24 and 25, Halvorson discloses that the resulting spreadsheet contains data identifying sources of the portions of data which includes

both workbook and spreadsheet names (pages 693-697 see “Linking...” and “Consolidating...” of Halvorson).

Regarding dependent claim 26, Halvorson discloses that the graphical control panel is used as a consolidation tool (pages 693-697 see “Linking...” and “Consolidating...” of Halvorson).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halvorson et al. (hereinafter Halvorson, “Microsoft Office XP Inside Out,” published in 2001) in view of Michelman et al. (hereinafter Michelman, US Patent Number 5,987,481, issued November 16, 1999) in view of Advanced Excel Find (hereinafter AEF, as taught by the AEF documents published on October 18, 2002 and June 2, 2003), further in view of Neilsen (US Patent Number 6,639,687, issued October 28, 2003).

Regarding dependent claim 19, none of Halvorson, Michelman, or AEF disclose using an event logger to track the events that take place during processing and display them as they are being performed. However, Neilsen teaches logging events in the system during processing and presenting the events to the user as the events are being performed (column 1, lines 31-67 of Neilsen). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Halvorson, Michelman, and AEF with the teachings of Neilsen because it would have allowed users to monitor the status of all executing tasks as they are being performed.

Response to Arguments

9. Applicant's arguments filed 10/29/2008 have been fully considered but they are not persuasive.

Regarding the arguments on page 7-10, in reference to the independent claims and the newly amended limitation dealing with searching a subset of cells, rows and columns, the arguments are moot in view of the new grounds of rejection. AEF teaches that a graphic control panel may be used within the framework of Excel's built in Find feature to allow the user to select for searching subsets/portions (which by definition includes all selectable Excel entities – cells, rows, columns, etc.) of any and all workbooks and worksheets ("Search in selection" and "Find in selection" on page 1 of AEF, published October 18, 2002). The applicant has provided no evidence that the features shown in AEF are any different than the claimed limitations, rather the applicant has merely stated that the "Search in Selection" does not mean just exactly what the phrase states, search in a selection. The applicant appears to point to unrelated sections of the reference in order to overcome the rejection, however it remains completely unclear to the examiner how the phrase "Search in Selection" which is notoriously well-known in the art could possibly differ than the applicant's limitation of searching in a "user-selected subset" which again falls into the very simply stated definition of searching in a selection (user-selected subset). Thus, the rejection has been maintained.

Applicant's arguments with respect to claim 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
December 15, 2008